

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
January 6, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, January 6, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend Carleton B. Bakkum, Grace Episcopal Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

ORGANIZATION OF THE 2004 YORK COUNTY BOARD OF SUPERVISORS

ESTABLISH RULES OF PROCEDURE

Mr. McReynolds stated there were no recommended changes for the Rules of Procedure by the Board or by the staff, and they are submitted for the Board's consideration for 2004 as they currently exist.

Mrs. Noll stated that she would like to see the wording in Section 5-5.1 regarding the Board being addressed only by York County citizens in Citizens Comment Period removed. She noted that in practice this rule has never been invoked. Since the Board does not enforce the provision, there is no need to have it in the Rules of Procedure. She asked the Board to please consider removing that section.

Discussion followed as to the reasoning behind the restriction to only York County citizens in the Citizens Comment Period.

Mr. Burgett stated that anyone who wishes to address a public hearing may do so, regardless of where they live. At the time this provision was put in the Rules, it was recognition of this Board that the members work for the citizens; and when it came to the meetings, the Board wanted to hear from the citizens first. He stated no one has ever been denied the right to speak, and it is simply a tool that the Board may never have to use; but it may be needed in the future. Mr. Burgett stated the provision has not been abused, and he sees no reason to change it.

Mrs. Noll moved that Section 5-5.1 of the Rules of Procedure be amended to remove the second sentence.

On roll call the vote was:

Yea:	(1)	Noll
Nay:	(4)	Zarembo, Bowman, Shepperd, Burgett

Mr. Shepperd then moved the adoption of proposed Resolution R04-1 that reads:

A RESOLUTION TO ADOPT THE YORK COUNTY BOARD OF SUPERVISORS' RULES OF PROCEDURE FOR 2004

BE IT RESOLVED by the York County Board of Supervisors this 6th day of January, 2004, that the following Rules of Procedures be, and they are hereby, adopted for 2004:

YORK COUNTY BOARD OF SUPERVISORS
As Amended through January 6, 2004

SECTION 1 - MEETINGS

Section 1-1 When and Where Regular Meetings are Held

The time and place of regular meetings of the Board of Supervisors shall be established at each annual meeting. Regular meetings shall be called to order at 7:00 p.m., EST and DST in the Board Room, York Hall, on the first Tuesday of each month, with the exception of the first Tuesday in the months of July and November, and on the third Tuesday of each month. Should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Section 15.2-1416 of the Code of Virginia, as amended.

If the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for board members to attend a regularly scheduled meeting, the meeting shall be continued to the following Tuesday at 7:00 p.m. in the Board Room, York Hall. Such finding shall be communicated to the members of the Board and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required.

Section 1-2 Special Meetings

The Board of Supervisors may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time as it may find convenient and/or necessary. As a general rule, no work sessions will be conducted during the months of July or August other than those which may occur at the beginning of a regular meeting. A special meeting of the Board of Supervisors shall be called pursuant to Section 15.2-1416 of the Code of Virginia, as amended.

Section 1-3 Annual/Semi-Annual Meetings

The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting; and the first meeting held in the sixth month thereafter shall be known as the semi-annual meeting.

Section 1-4 Quorum and Method of Voting

At any meeting a majority of the supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a viva voce vote of a majority of the supervisors voting on any such question, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded. The Board of Supervisors has elected not to have a tie breaker as provided for by the Code of Virginia, and a tie vote on any motion shall be considered defeated as provided for in Section 15.2-1420.

Section 1-5 Procedure for Roll Call for Board Members

- (1) The Chairman of the Board of Supervisors shall cast the last vote.
- (2) The Members of the Board of Supervisors shall cast votes in district order on a rotating basis.

Section 1-6 Members Absenting Themselves from Meeting Prior to Adjournment

After the name of any member of the Board has been recorded as present at any meeting of the Board, the member shall not leave the meeting previous to adjournment unless by consent of the Board.

Section 1-7 Board to Sit with Open Doors

The Board of Supervisors shall sit with open doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board may hold closed meetings as provided in the Virginia Freedom of Information Act.

Section 1-8 Closed Meetings

A closed meeting shall be held when necessary.

SECTION 2 - OFFICERS

Section 2-1 Election and Term of Chairman and Vice Chairman

At the annual meeting of the Board of Supervisors, the Board shall elect from its membership a Chairman and Vice Chairman, each of whom shall serve for a term of one year expiring on December 31, or until their respective successors shall have been elected. In the case of the absence from any meeting of the Chairman and Vice Chairman, the members present shall choose one of their number as temporary Chairman.

Section 2-2 Chair May Administer Oaths

The Chairman shall have power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-3 Clerk

The Clerk of the Board shall be the County Administrator, whose duties and responsibilities shall be those set forth in State law or delegated by the Board of Supervisors.

Section 2-4 Parliamentarian

The County Attorney shall serve as the Parliamentarian.

Section 2-5 Preservation of Order

At meetings of the Board, the presiding officer shall preserve order and decorum.

SECTION 3 - CONDUCT OF BUSINESS

Section 3-1 Order of Business

At regular meetings of the Board, the order of business shall be as follows:

- (a) Call to Order

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- (b) Invocation
- (c) Pledge of Allegiance
- (d) Roll Call of Members
- (e) Highway Matters
- (f) Presentations
- (g) Citizens Comment Period
- (h) Reports, Requests, and Recommendations of the County Attorney
- (i) Reports, Requests, and Recommendations of the County Administrator
- * (j) Matters Presented by the Board
- (k) Public Hearings (8:00 p.m.)
- (l) Unfinished Business
- (m) Consent Calendar
- (n) New Business
- (o) Closed Meeting

*This time is generally used for individual Board members to share information with other members of the Board and the public. Items presented under this heading requiring action will be for future agenda items or for additional information from staff members only. No item presented under this heading or at any point during the meeting will be acted upon at the meeting at which presented unless it is with the unanimous consent of the Board that the item be put on the floor for action. However, such item shall be scheduled for Board action at a subsequent meeting within a reasonable period of time based upon a majority consent of the Board or unless withdrawn by the advocate Board member.

Prior to the agenda being prepared, a member of the Board may contact the Clerk and have an item included under this heading. The County Administrator shall prepare a memorandum which will inform other members of the Board of the particulars pertaining to this item.

Section 3-1.1 Consent Calendar

The Consent Calendar shall be introduced by a motion "To approve the Consent Calendar," and shall be considered by the Board as a single item.

There shall be no debate or discussion by any member of the Board regarding any item on the Consent Calendar, beyond asking questions for simple clarification.

On objection by any member of the Board of Supervisors to the inclusion of any item on the Consent Calendar, that item shall be removed from the Consent Calendar forthwith. Such objection may be recorded at any time prior to voting on the motion to approve the Consent Calendar. All such items shall be considered individually, in the order in which they were objected to, immediately following consideration of the Consent Calendar.

Approval of the motion to approve the Consent Calendar shall constitute approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

Section 3-2 Manner of Addressing Board Generally; Speaking Only on Question Before Board

- (1) Any person, including Board members, who speaks to the Board shall address the Chair and shall confine comments to the question before the Board.
- (2) No person in attendance at a meeting of the Board shall be permitted to address the Board while the members are considering any motion, resolution or ordinance preliminary to a vote on the same, except at the discretion of the Chair.
- (3) During those times when the public is addressing the Board, the Chair shall appoint a timekeeper who shall notify speakers and the Board that the allotted time for address-

ing the Board has expired. Speakers shall conclude their remarks at that time unless the consent of the Board is affirmatively given to extend the speaker's allotted time.

- (4) All presentations to the Board shall normally be limited to no more than 10 minutes, except as hereinafter provided.

Section 3-3 Use of Offensive Language or Gestures; Sectarian or Political Discussion

No member of the Board shall in debate at any meeting of the Board use any language or gesture calculated to offend or insult another member. No discussion of a sectarian or partisan character shall be allowed at meetings of the Board.

Section 3-4 Priority in Speaking to Board

When two or more members of the Board wish to speak at the same time, the Chairman shall name the one to speak.

Section 3-5 Speaking More than Once on Same Subject

In any debate before the Board, no member of the Board shall speak more than once on the same question until all the others have spoken who desire to do so, nor more than twice on the same question, unless by consent of the Board.

Section 3-6 Form of Petitions, etc.

Every petition, communication, or address to the Board shall be in respectful language and, except in cases where it is otherwise allowed, shall be in writing.

Section 3-7 Motions

No proposition shall be entertained by the Chairman until a motion for the same has been duly made. No motion shall require a second. The Chairman may make a motion without vacating the Chair.

Section 3-8 Decision on Points of Order

The Chairman, when presiding at a meeting of the Board, without vacating the Chair, may give reasons for any decision made by the Chair on any point of order, and such decision shall be made without debate.

Section 3-9 Same; Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order, a majority vote of those present being necessary to over-rule the Chairman.

Section 3-10 Motion to Adjourn

At a meeting of the Board, a motion to adjourn shall be always in order and shall be decided without debate.

Section 3-11 Motions While a Question is Under Debate

When a question is under debate at a meeting of the Board, no motion shall be received unless it be one to amend, to commit or refer to a committee, to postpone, to ask for the previous question, to make a substitute motion, to lay on the table, to recess, or to adjourn.

Section 3-12 Reconsideration of Motions, etc., Upon Which Vote Has Been Announced

At any meeting of the Board, when any vote upon any motion, resolution, ordinance, or question has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side, provided that such motion shall be made at the session of the Board at which it was decided. Such motion shall be decided by a majority of the votes of the members present, unless a greater number of votes was required to pass the measure, in which event the motion to reconsider shall not prevail, except upon the vote of as great a number of members as was required to pass the measure.

For the purpose of this Section, "session" shall include any adjourned or special meeting occurring prior to the next Regular Meeting.

Section 3-13 Suspending Rules

The rules of the Board may be suspended with the unanimous concurrence of the members present.

Section 3-14 Robert's Rules of Order

The proceedings of the Board, except as otherwise provided in the Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order.

SECTION 4 - PUBLIC HEARINGS

Section 4-1 Speakers

At every public hearing, speakers wishing to address the Board shall clearly state their name and address. All speakers, except as hereinafter provided, shall limit their remarks to three (3) minutes. Speakers may not yield any unused portion of their speaking time to others. Staff presentations should be concise and normally limited to no more than ten (10) minutes except when necessary to properly inform the public of the issue before the Board. The applicant in a land use case or his/her representative(s) shall be allowed a maximum of ten (10) minutes to present their case. Each speaker shall be limited to one appearance at each public hearing, except at the discretion of the Chair, and only after all other speakers have been given an opportunity to be heard on the subject being considered.

The order of business for public hearings shall be:

- staff presentation
- applicant's presentation (if any)
- public comments

Section 4-2 Members' Participation

Board members shall limit their comments in public hearings to insure participation by the public without Board interference.

Section 4-3 Close of Hearing

When a public hearing shall have been closed by the order of the Chairman of the Board, no further public comments are in order.

SECTION 5 - AGENDA

Section 5-1 Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business. Except as permitted at the discretion of the Clerk, every item to be placed on the Agenda shall be received in the Office of the County Administrator before the close of the work day on the Thursday two weeks prior to any regular meeting of the Board. Prior to publication of the agenda, the Clerk shall coordinate recommended agenda subjects for approval with the Chairman, or with the Vice Chairman in the Chairman's absence.

Section 5-2 Delivery

The agenda shall be received by each member of the Board and the Attorney to the Board at least 48 hours prior to the meeting.

Section 5-3 Posting

A copy of the Agenda shall be posted on the door to York Hall at least 48 hours prior to the meeting.

Section 5-4 Copies

The Clerk to the Board shall prepare or cause to be prepared extra copies of the Agenda and shall make the same available to the public in the Office of the County Administrator at the same time the Agenda is posted pursuant to Section 5-3. The Clerk shall also have copies available at each meeting.

Section 5-5 Request to Appear Before the Board of Supervisors

Any citizen (individual, firm, association, or corporation) desiring to appear before the Board of Supervisors shall make a request to the Clerk or the Clerk's designee and receive approval; however, no written application or approval shall be required in order to speak to the Board during Citizens Comment Period or at public hearings.

Section 5-5.1 Citizens Comment Period

During Citizens Comment Period, speakers wishing to address the Board shall clearly state their name and address. Unless approved by the Chairman, or by the Vice Chairman in the Chairman's absence, only York County citizens or persons who own property or businesses in the County shall be allowed to address the Board during the Citizens Comment Period. Speakers shall limit their remarks to three (3) minutes and may not yield any unused portion of their speaking time to others. Each speaker shall be limited to one appearance at each Regular Meeting of the Board. Speakers shall be limited to speaking on the same subject not more than three times within any 12-month period.

SECTION 6 - GENERAL CONDUCT AND DECORUM

Section 6-1 Conduct of Public

The efficient and dignified conduct of public business is the ultimate concern of the Board. Accordingly, it is the policy of the Board that its meetings be conducted with the highest degree of order and decorum. The Board's integrity and dignity will be established and maintained at all times during the conduct of public business, and the Board will permit no behavior which is not in keeping with this policy. The soliciting of funds, the use of abusive or profane language, personal attacks on Board members, the failure to comply with time limits on speakers, or other forms of offensive conduct will not be tolerated. The Chairman will maintain proper order at all times during all meetings of the Board and shall effect the removal from any meeting of any person guilty of offensive conduct if the offending party fails or refuses to cease such conduct.

Section 6-2 Board Action; effect

The Board of Supervisors is charged with administering County functions. Primary among these many functions is making policy with majority vote required to effect policy implementation.

The County Administrator is employed by the Board to supervise the execution of County functions in the interim between meetings of the Board. The County Administrator may be delegated as much or as little authority as the governing body desires.

The Board of Supervisors bears the responsibility for successful operation of County government and its functions. Each supervisor is responsible for knowing Board policy and its intent.

The Chairman of the Board of Supervisors is directly responsible for overseeing the implementation of policy by the County Administrator and ensuring that implementation is consistent with the spirit and intent of the Board's actions. In the event that an action or actions may be necessary without the ready consensus of the Board, the Chairman shall have the discretion to authorize the County Administrator to take interim measures until the Board can meet and make any necessary decision.

On roll call the vote was:

Yea: (5) Noll, Bowman, Shepperd, Zaremba, Burgett
Nay: (0)

ELECTION OF CHAIRMAN

Mr. Zaremba nominated Thomas G. Shepperd, Jr., for election to the office of Chairman of the Board for 2004.

Mr. Zaremba moved that the nominations for the office of Chairman of the Board be closed.

On roll call the vote was:

Yea: (5) Bowman, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

Mr. Zaremba then moved that Thomas G. Shepperd, Jr., be elected as Chairman of the York County Board of Supervisors for 2004.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Bowman, Burgett
Nay: (0)

ELECTION OF VICE CHAIRMAN

Mr. Burgett nominated James S. Burgett for election to the office of Vice Chairman of the Board of Supervisors for 2004.

Mr. Burgett moved that the nominations for the office of Vice Chairman of the Board be closed.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

Mr. Shepperd then moved that James S. Burgett be elected as Vice Chairman of the York County Board of Supervisors for 2004.

On roll call the vote was:

Yea: (4) Bowman, Burgett, Zaremba, Shepperd
Nay: (1) Noll

CITIZENS COMMENT PERIOD

No one appeared at this time to speak before the Board of Supervisors.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett indicated he had no report to make this evening.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds wished everyone a happy new year and stated he looked forward to an outstanding 2004. He reminded the Board members of the work session beginning at 5:30 on January 13 for a presentation on the proposed Transient Occupancy Tax increase of 2 dollars. January 20 is the next regular meeting, and a work session is scheduled for January 27 on the Capital Improvements Program, new personnel/programs for FY05, and a presentation from the Heritage Humane Society. Mr. McReynolds stated it recently came to his attention that there have been a number of power outages in the Queens Lake area. He noted that Virginia Dominion Power will have a team of engineers take a look at it to find the problem and a solution. He stated he will keep the Board members informed of the outcome.

MATTERS PRESENTED BY THE BOARD

Mr. Bowman thanked everyone who voted for him on November 4, stating it gave him a very humbling experience to meet with the citizenry and talk with them and to find out they supported him when going to the polls. He stated he enjoyed walking the neighborhoods and exchanging ideas with his constituents. Some of the issues that came up included transportation problems, development, drainage issues, senior citizens, and athletic field needs. He stated he intends to look into these issues during the next four years. Mr. Bowman thanked Don Wiggins for serving the County for the last four years, stating he was a very involved and dedicated person who truly cares about the people in District 3. He stated they ran a gentleman's campaign with no mud slinging, and he expressed his hope that Mr. Wiggins stays involved in the community and let the Board hear from him. Mr. Bowman stated he is excited about the next four years and working the Board, McReynolds, and the staff.

Mr. Zarembo stated it has been a privilege to serve the citizens of the County for the last eight years and he will endeavor to validate the confidence the citizens have in him during the next four years. He reviewed several of the goals he personally has for 2004 that include more involved citizen input in the issues before the Board, continued economic growth, and work with and encourage the County's representatives at the state level to address in a positive manner the state's antiquated tax system. He expressed his hope that the state doesn't attempt to solve its responsibility on the backs of the localities by forcing on them more unfunded mandates; but if there is a shifting of responsibilities, he stated he expects the County's representatives to give counties the authority to generate revenues to meet the requirements. Mr. Zarembo noted that one of the revenue streams that is untapped is to give counties the authority to place a tax on the sale of cigarettes. He finished by stating he's very excited because 2004 and 2005 will see the master plan come to life for a new Yorktown with an exciting Riverwalk to be enjoyed by the citizens and visitors.

Mrs. Noll congratulated NASA and its employees who contributed to the successful landing on Mars with the rover, stating she is very proud that York County is a part of it. She spoke about the Board's goals with one of them being to improve communications and respect between each other and with the citizens, businesses, and organizations. She stated she is passionate about good government, and the Board should set an example of how government should be. She noted she can't lose focus of why she ran for office which is to serve the citizens of the county; and if she gets bogged down with the Board and others in a lack of communication, civility, and professional courtesy, then she can't serve the citizens. Mrs. Noll stated she looks forward to serving the citizens during the next four years because York County is a wonderful place to live and raise a family.

Mr. Burgett stated the previous four years saw much accomplished that everyone in the County can be proud of, and he looked forward to seeing that continue during the next four years. He noted he attended the Hampton Roads Partnership (HRP) meeting, and the subject was the transportation referendum project which has been pared down to three specific projects. He stated the HRP is asking the elected officials to contact their legislative representatives requesting their support of the projects. They want authority for a 12-cent increase on the gas tax plus tolls. Mr. Burgett noted that he objects to the fact that the plan does not make it a state-wide tax. He also stated he feels that this year the Board needs to get behind the Route 17 revitalization project and renew emphasis on it. The Board needs to have a retreat without delay soon so that it can talk about the issues that need to be discussed over the year. Mr. Burgett then stated that he and Mr. McReynolds met with Newport News Mayor Frank and City Manager Maroney about the airport. He noted there are now over 1/2 million passengers coming through the terminal at the Newport News/Williamsburg International Airport, and more routes are needed. There will be a new task force established, which he feels the County should support. He stated that Newport News is asking \$.50 per capita which is about \$30,000 for York County, and more information will be forthcoming.

Chairman Shepperd welcomed Ken Bowman to the Board of Supervisors, and he thanked the Board of Supervisors for giving him the opportunity to serve as Chairman this year. He stated that in the future the Board has some pretty exciting things coming up that will require input from the community. He indicated he wants to encourage the citizens of York County to get the Board Bank application on line and apply, stating it is a great way to get involved. Mr. Shepperd stated he sees a couple of things that will be addressed in the upcoming year such as education that has always been and will continue to be a priority with the Board of Supervisors. About 45 percent of the County's budget goes to education, and the Board will continue to stress it. He stated the Yorktown revitalization project is exciting as well as other development projects. The Board and staff are beginning the process of the review of the Comprehensive Plan this year which is a guideline for our planners and the Zoning Ordinance. Mr. Shepperd stated the idea of maintaining the tax rate is important, and the Board has been able to do that because the demand to come here is causing the real estate prices to go up, and the Board makes business development a priority. Drainage is a big problem, and the Board will continue to work on it. The Board has tried working with other communities regarding park facilities, and will continue to do so in the coming year. The Route 17 Revitalization project is a priority also because the County needs to continue to make its main street look good. Mr. Shepperd also noted the 2007 celebration is coming up. Transportation issues will be a priority because it is a lifeline for York County and will allow continued growth, and the County

needs funding for future expansion. Mr. Shepperd stated he is looking forward to the next year which will be chocked full of issues for the Board and staff to work on.

Meeting Adjourned. At 7:49 p.m. Chairman Shepperd declared the meeting adjourned to 5:30 p.m., Tuesday, January 13, 2004, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk
York County Board of Supervisors

Thomas G. Shepperd, Jr., Chairman
York County Board of Supervisors